

MONTANA LEGISLATIVE HISTORY

Chapter 483 19 72

Bill H. 169 S _____ Original bill & history C

H. Committee on Public Health

Hearing Date(s) 1/25 C

2/8 C

_____ C

_____ C

Date Out _____ C

S. Committee on Public Health

Hearing Date(s) 2/8 C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

CONTENTS

xli

Chap.	Senate Bill	House Bill	Title	Page
477	447		An act requiring the insurer to accept or deny a claim within thirty (30) days of its filing; payment of weekly compensation until claimant returns to work; termination of compensation only upon notice and division approval; and payment of costs.	1194
478	454		An act to provide for the support of the government of Montana for the years 1973 and 1974, providing a severability clause and an effective date.	1194
479	455		An act to provide for the support of the government of Montana for years 1973 and 1974.	1195
480		46	An act providing for increased penalties for littering and suspension of camping permit for conviction of littering; and amending Sections 94-3339 and 26-812, R.C.M. 1947.	1196
481		140	An act providing for permits for disinterments of dead bodies and for administration by the department of health and environmental sciences.	1197
482		149	An act requiring counties to purchase liability insurance for sheriffs and sheriffs' departments.	1197
483		169	An act to amend Sections 66-3101, 66-3102, 66-3103, 66-3104, 66-3105, 66-3109, 66-3110 and 66-3112, R.C.M. 1947, providing for nursing homes and administrators; defining long-term care facilities to include skilled nursing facilities and intermediate care facilities -A, and defining the term inactive nursing home administrator; changing the composition of and clarifying who may be appointed to the board; providing for qualification and registration of licensees; providing for inactive nursing home administrators to pay an annual fee or not more than twenty-five dollars (\$25); requiring nursing home administrators and inactive nursing home administrators to complete a continuing education course prior to renewal of registration or license; providing for a penalty of up to five hundred dollars (\$500) fine or imprisonment up to six (6) months or both; and repealing Section 66-3113, R.C.M. 1947.	1198
484		254	An act repealing Section 84-1501.8, R.C.M. 1947, to eliminate the six and one-quarter percent (6¼%) corporation license tax rate for taxable years ending after February 28, 1973; and amending Section 84-1501, R.C.M. 1947, to make retroactive and permanent the six and three-quarters percent (6¾%) corporation license tax rate.	1203
485		272	An act amending Section 34-301, R.C.M. 1947, relating to regulation of certain establishments; amending Section 34-302, R.C.M. 1947, relating to definitions; amending Section 34-303, R.C.M. 1947, relating to licenses required; amending Section 34-304, R.C.M. 1947, relating to the fee charged for a license; amending Section 34-306, R.C.M. 1947, relating to rules and regulations and cooperative agreements; providing for related matters; and repealing Section 34-308, R.C.M. 1947.	1205
486		334	An act to amend Section 16-807, R.C.M. 1947, to clarify the limit of indebtedness a county can incur as being five percent (5%) of the assessed value of the taxable property in the county; and to provide that any single purpose indebtedness exceeding forty thousand dollars (\$40,000) be submitted to the voters.	1208
487		368	An act permitting submission of fingerprints in connection with retail liquor and beer licenses.	1208
488		458	An act relating to the workmen's compensation act; amending Section 92-418, R.C.M. 1947, relating to the definition of "injury" or "injured" to provide for broadened coverage for firemen; and providing for an effective date.	1209
489		532	An act to amend Section 84-301, R.C.M. 1947, relating to taxation and classification of rights of entry.	1209
490		578	An act appropriating three hundred thousand dollars (\$300,000) from the general fund and appropriating all federal and private funds received for the purposes of this act from the federal and private revenue fund to the commission created by this act for the biennium ending June 30, 1975, for conducting a comprehensive study of and planning	

1 Section 1. Section 66-3101, R.C.M. 1947, is amended
2 to read as follows:

3 "66-3101. Definitions. For the purposes of this act,
4 and as used herein:

5 (a) The term "board" means the Montana state board of
6 ~~examiners---for~~ nursing home administrators hereinafter
7 created.

8 (b) The term "nursing home administrator" means a
9 person who administers, manages, supervises, or is in
10 general administrative charge of an extended care facility
11 or a nursing home, whether such individual has an ownership
12 interest in such home, and whether his functions and duties
13 are shared with one or more individuals.

14 (c) The term "nursing home" means any ~~institution-or~~
15 extended care facility, nursing home or intermediate care
16 facility as defined as--such for licensing purpose under
17 state law or pursuant to the rules and regulations for
18 ~~nursing-homes~~ long-term care facilities by the Montana state
19 department of health and environmental sciences, whether
20 proprietary or nonprofit, including but not limited to,
21 ~~nursing--homes~~ such facilities owned or administered by the
22 state government or an agency or political subdivision
23 thereof.

24 (d) The term "inactive nursing home administrator"
25 means an individual who has been licensed in this state as a

1 nursing home administrator, and whose license has not been
2 revoked or suspended but who is not actively engaged in
3 nursing home administration."

4 Section 2. Section 66-3102, R.C.M. 1947, is amended
5 to read as follows:

6 "66-3102. Composition of the board. There is hereby
7 created the state board of ~~examiners--for~~ nursing home
8 administrators which shall consist of five (5) voting
9 members. Three (3) of these members shall be nursing home
10 administrators and two (2) shall be representative of the
11 professions and institutions concerned with care of
12 chronically ill and infirm aged patients. The ~~executive~~
13 ~~officer~~ director of the Montana state department of health
14 and environmental sciences, or his designee, and the
15 ~~administrator~~ director of the Montana state department of
16 ~~public--welfare~~ social and rehabilitation services, or his
17 designee, shall serve ex officio without the power to vote
18 as members of such board. The members of the board shall be
19 initially appointed by the governor from a list (which list
20 shall include representatives of nursing home administrators
21 and university units offering programs in public health or
22 medical or nursing home care administration) of nine (9)
23 names submitted to the governor by the board of directors of
24 the Montana nursing home association, inc. One (1) member
25 shall be appointed for a term of three (3) years, two (2)

1 members shall be appointed for a term of two (2) years, and
2 two (2) members shall be appointed for a term of one (1)
3 year; thereafter, the terms of all appointive members shall
4 be three (3) years. The appointees shall be selected from a
5 list of three (3) nominees submitted for each appointee, to
6 the governor by the board of directors of the Montana
7 nursing home association, inc.

8 Any vacancy occurring in the position of an appointive
9 member shall be filled by the governor for the unexpired
10 term, from a list of three (3) names submitted to the
11 governor by the board of directors of the Montana nursing
12 home association, inc. Appointive members may be removed by
13 the governor for cause after due notice and hearing.
14 Initial appointments of members representing nursing home
15 administrators, after this act becomes effective, shall be
16 limited to persons who are approved by the ~~executive-officer~~
17 director of the state department of health and environmental
18 sciences as a nursing home administrator (and serving in
19 such capacity on the effective date of this act), as such
20 term is defined by this act. After initial appointments
21 have been made, no person shall be eligible for appointment
22 as a nursing home administrator member unless he is the
23 holder of a license as a nursing home administrator."

24 Section 3. Section 66-3103, R.C.M. 1947, is amended
25 to read as follows:

1 "66-3103. Qualifications for licensure. The board
2 shall have authority to register and issue licenses to
3 qualified persons as nursing home administrators, and shall
4 establish qualification criteria for such nursing home
5 administrators. No registration or license shall be issued
6 to a person as a nursing home administrator unless:

7 (a) He is of good character, and of sound physical and
8 mental health, ~~and~~, has received a high school diploma or
9 its equivalent; and

10 (b) Has satisfactorily completed a course of
11 instruction and training prescribed by the board, which
12 course shall be so designed as to content and so
13 administered as to present sufficient knowledge of the needs
14 properly to be served by nursing homes; laws governing the
15 operation of nursing homes and the protection of the
16 interests of patients therein; and the elements of good
17 nursing home administration; or have presented evidence
18 satisfactory to the board of sufficient education, training
19 or experience in the foregoing fields to administer,
20 supervise and manage a nursing home; and

21 (c) Has passed an examination administered by the board
22 designed to test for competence in the subject matters
23 referred to in subsection (b) hereof;

24 Provided, however, that ~~persons-meeting-the-standards~~
25 ~~of-good-character-and-sound-physical-and-mental-health-who~~

1 have-been-approved-by-the-board-as--an--"administrator"--and
 2 are--serving--in-such-capacity-on-the-effective-date-of-this
 3 act--and-who-have-served-in-this-capacity--continuously--for
 4 at--least-one-(1)-year-immediately-preceding--may-be-granted
 5 a-license-as-a-"nursing-home-administrator"--by-waiver.---All
 6 other--persons--applying--for--a-license-after-the-effective
 7 date-of-this-act-must-meet-the-conditions--and--requirements
 8 as--may-be-prescribed-by-the-board.---A-waiver-may-be-granted
 9 for-a-period-of-two-(2)-years-after-the--effective--date--of
 10 this--act--or-until-June-30, 1972, whichever-is-earlier, to
 11 allow-an-individual-to-meet-the-requirements--as--determined
 12 by--this-board.---The the minimum standards for qualification
 13 established--by---said---board shall comply with the
 14 requirements, if any, set forth in Title XIX of the Social
 15 Security Act, as amended, 1967 (P.L. 90-248)."

16 Section 4. Section 66-3104, R.C.M. 1947, is amended
 17 to read as follows:

18 "66-3104. Licensing Registration and licensing
 19 function. (a) The board shall register and license nursing
 20 home administrators in accordance with rules and regulations
 21 issued, and from time to time revised by it. A nursing home
 22 administrator's registration and license shall not be
 23 transferable and shall be valid until surrendered for
 24 cancellation or suspended or revoked for violation of this
 25 act or any other laws or regulations relating to the proper

1 administration and management of a nursing home. Denial of
2 issuance or renewal, suspension or revocation under any
3 section of this act shall be subject to review by the board
4 upon the timely written request for review within thirty
5 (30) days.

6 (b) If the board determines that preliminary
7 qualifications set forth in 66-3103 (a) and (b) of this act,
8 will have been met before the next examination it may issue
9 a temporary permit for a period of one hundred eighty (180)
10 days or until the date scores of the next subsequent
11 examination, ~~---whichever---is---earlier~~ are announced. No
12 temporary permit shall be issued to an applicant after the
13 date of the first examination for which he is eligible."

14 Section 5. Section 66-3105, R.C.M. 1947, is amended
15 to read as follows:

16 "66-3105. Fees. (a) Each person who applies for
17 licensure, whether by waiver, examination or reciprocity,
18 shall be required to pay a fee of twenty-five dollars (\$25)
19 at the time of such application.

20 (b) Each person licensed as a nursing home
21 administrator shall be required to pay a license fee in an
22 amount to be fixed by the board, not to exceed one hundred
23 dollars (\$100). A license shall expire on December 31, in
24 the year for which it is issued, and shall be renewable
25 annually upon timely payment of the license fee.

1 (c) Each person registered as an inactive nursing home
2 administrator shall be required to pay a registration fee in
3 the amount of not more than twenty-five dollars (\$25). An
4 inactive registration shall expire on December 31, in the
5 year for which it is issued, and shall be renewable annually
6 upon timely payment of the inactive registration fee.

7 (d) The fee for issuing a duplicate license shall be
8 ten dollars (\$10)."

9 Section 6. Section 66-3109, R.C.M. 1947, is amended
10 to read as follows:

11 "66-3109. Duties of the board. The board shall have
12 the duty and responsibility to:

13 (a) Develop, impose and enforce standards which must be
14 met by individuals in order to register and receive a
15 license as a nursing home administrator, which standards
16 shall be designed to ensure that nursing home administrators
17 shall be individuals who are of good character and are
18 otherwise suitable, and who, by training or experience in
19 the field of institutional administration, are qualified to
20 serve as nursing home administrators.

21 (b) Develop and apply appropriate techniques, including
22 examination and investigations, for determining whether
23 individuals meet such standards.

24 (c) ~~Issue~~ Register and issue licenses to individuals,
25 after application of such techniques, determined to meet

1 such standards, and for cause, after due notice and hearing,
2 to revoke or suspend licenses previously issued by the board
3 in any case where the individual holding such license is
4 determined substantially to have failed to conform to the
5 requirements of such standards. Provided, however, the
6 board may, in its discretion, defer execution of its order
7 of revocation or suspension for the purpose of permitting
8 continuity of care for patients when the need for such
9 continuity of care outweighs any harm or danger which might
10 result from the failure of such nursing home administrator
11 to be registered and licensed thereby resulting in the
12 necessary closure of a nursing home.

13 (d) Establish and implement procedures designed to
14 ensure that individuals registered and licensed as nursing
15 home administrators will, during any period that they serve
16 as such, comply with the requirements of such standards.

17 (e) Upon receipt of a written and signed complaint, an
18 investigation of the matter contained in the complaint shall
19 be initiated. At its next meeting, the complaint shall be
20 presented to the board together with the report of
21 investigation and recommendations and on the basis thereof,
22 the board shall determine whether to bring charges and
23 provide for a hearing.

24 (f) Conduct a continuing study and investigation of
25 nursing home administrators within the state with a view to

1 the improvement of the standards imposed for the licensing
2 of such administrators and of procedures and methods for the
3 enforcement of such standards with respect to administrators
4 of nursing homes.

5 (g) Conduct, or cause to be conducted, one or more
6 courses of instruction and training sufficient to meet the
7 requirements of this act, and make provisions for the
8 conduct of such courses and their accessibility to residents
9 of this state, unless it finds that there are sufficient
10 number of courses conducted by others within this state to
11 meet the needs of the state. In lieu thereof the board may
12 approve courses conducted within and without this state as
13 sufficient to meet the education and training requirements
14 of this act.

15 (h) Prescribe or approve continuing education courses."

16 Section 7. Section 66-3110, R.C.M. 1947, is amended
17 to read as follows:

18 "66-3110. Renewal of registration and license. Every
19 holder of a nursing home administrator's registration and
20 license shall renew it annually by payment of the required
21 fee for the next subsequent year, prior to the expiration of
22 his currently valid registration and license on December 31.
23 Renewals of registrations or licenses shall be granted as a
24 matter of course, providing the holder has completed a
25 continuing education course prescribed or approved by the

1 board, however, if ~~unless~~ the board finds after due notice
2 and hearing, that the applicant has acted or failed to act
3 in such a manner, or under circumstances, as would
4 constitute grounds for suspension or revocation of a
5 registration and license, it shall not issue the renewal."

6 Section 8. Section 66-3112, R.C.M. 1947, is amended
7 to read as follows:

8 "66-3112. Misdemeanor. It shall be unlawful ~~and~~
9 ~~constitute--a--misdemeanor~~ for any person to act or serve in
10 the capacity of a nursing home administrator unless he is
11 the holder of a registration and license as a nursing home
12 administrator, issued in accordance with the provisions of
13 this act. A person who violates the provisions of this act
14 shall be guilty of a misdemeanor, and upon conviction
15 thereof, shall be punished by a fine of not more than five
16 hundred dollars (\$500), or by imprisonment for not more than
17 six (6) months, or by both such fine and imprisonment."

18 Section 9. Section 66-3113, R.C.M. 1947, is repealed.

-End-

PUB. HEALTH, WELFARE & SAFETY COMMITTEE

43rd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB # 140 Brand, Lund	DEAD BODY DISINTERMENT PERMITS AND PROVIDING FOR ADMINISTRATION BY DEPT. OF HEALTH	1 - 15	1 - 18		1 - 18	DO PASS	
HB # 157 HOLMES, FAGG, ET AL	AN ACT TO PROHIBIT OR RESTRICT SMOKING IN PUBLIC PLACES	1 - 16	1 - 18		1 - 30	DO PASS AS AMENDED	KILLED
HB # 169 ASBJORNSEN, BARRETT, ET AL	PROVIDING FOR NURSING HOMES AND ADMINISTRATORS, ETC.	1 - 17	1 - 25		2 - 7	DO PASS	
HB # 200 NORMAN, KIMBLE, ET AL	AN ACT TO REGULATE AND LICENSE CLINICAL LAB. FACILITIES AND PERSONNEL	1 - 18	2 - 1		2 - 7	DO PASS	
HB # 202 TOWE, FAGG, ET AL	PROVIDING THAT SUPPORT OF FAMILY PLANNING SHALL BE AN AFFIRMATIVE POLICY OF THE STATE, ETC.	1-18	2 - 6	rereferred; first action: DO PASS AS AMENDED; second action:	2 - 27	BE HELD OVER	
HB # 207 R. HARPER TIERNEY, ET AL	REGULATING INTTASTATE R. HARPER DIST. AND SALE OF HAZARDOUS SUBSTANCES INTENDED FOR THE PUBLIC	1 - 18	2 - 6		2 - 13	DO PASS AS AMENDED	

LITHOGRAPHED FROM COLLECTION OF THE MINNESOTA LEGISLATURE

ADDRESS Box 908

DATE 1/28/73

Helen

WHOM DO YOU REPRESENT? Mont Nursing Home Assn

SUPPORT? X OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Reproduced from materials in the Montana Historical Society Archives. May be subject to Copyright Laws (Title 17, U.S.C.)
Coll. No. _____
Bx. Fd. No. _____

MONTANA NURSING HOME ASSOCIATION

House Bill No. 169

Mr. Chairman and Members of the Committee:

My name is Roderic R. Gudgel. I am the Executive Director of the Montana Nursing Home Association and represent that organization in this appearance before you.

H.B. 169 provides for the following improvements in the licensing law for nursing home administrators,

- (1) It will correct deficiencies which exist in the present law. (e.g., Validity could possibly be successfully challenged unless "registration" is provided for.)
- (2) It will provide a reduced fee of not more than \$25 for those inactive administrators who must now pay \$100.
- (3) It will upgrade the qualifications for entry into this field by requiring high school graduation or its equivalent.
- (4) It will provide for upgrading after entry into the field by requiring completion of board approved continuing education courses for relicensure.

This proposal was initiated by the board of examiners for nursing home administrators and is fully supported by the members of the Montana Nursing Home Association.

ADDRESS Box 1723 Helena DATE _____

WHOM DO YOU REPRESENT? State GPS Judicial and Bureau

SUPPORT? _____ OPPOSE? _____ AMEND? ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

January 25, 1973

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the Public Health, Welfare and Safety Committee was held on Thursday, January 25, 1973 at 10:30 a.m. in Room 428A with Chairman Bob Lee presiding. All members were present.

SENATE BILL # 36 --- SPONSOR: Senator J. A. Turnage gave a short speech on the bill. PROPONENTS: Ted Carkulis of the Montana Dept. of Social and Rehab. Services said that this bill would extend the Medicaid Program to those people just above the welfare level. It would provide incentive for people to leave welfare, because at the present they would rather stay on welfare so they will stay eligible for the Medicaid benefits. Jack Carlson and Bill Ikard were then presented as authorities on the subject and were open for questions. Case studies on the subject were passed out to all committee members by Senator Turnage. William Leary of the Montana Hosp. Assoc., was also in favor of this bill—with the passage of SB 36, more monies would be made available to pay for medically indigent people. Steve Coldiron, of Just Us, Inc., thought that the present Medicaid program causes many welfare mothers to question whether they should get off welfare because their salaries wouldn't be that much above the level of income that cuts them off from the Medicaid benefits presently. Alberta Baumgarden and Bonnie Ikard gave testimony in favor of this bill also. Harley Evenson of F.A.L.C.O.N., an organization representing 11 low-income groups in Cascade County, gave testimony in support of the bill as did Mary Ann Maxwell and Norene Eddards. There were no opponents. Questions followed, and witnesses were then excused.

SENATE BILL # 42 -- SPONSOR: Senator David F. James explained this bill and offered amendments. Copy enclosed. Mr. Ted Carkulis commented that a similar law was already on the books but could not be enforced because it needed amending such as this bill offers. Steve Coldiron was also in support of this bill. Harley Evenson, Mary Ann Maxwell, both from F.A.L.-C.O.N., were other proponents. Senator James closed and Mr. Coldiron submitted several testimonies on this and SB 36, written by low-income people. Sen. James said that as nearly as he could tell, half of the states already have this law on their books. A fiscal note was also submitted on this bill. Questions followed. Witnesses were excused.

HOUSE BILL # 169 -- SPONSOR: Rep. J. O. Asbjornson said that this bill is desired by nursing home administrators. It attempts to upgrade their profession. PROPONENTS: Rod Gudgel, Exec. Dir. of the Montana Nursing Home Assoc.; statement attached. OPPONENTS: Bill Ikard, State S.R.S. Medical Assoc. Bureau, stated that he was not actually opposed to the bill, however, he had amendments for it. He claimed that the provision providing for 3 nursing home administrators to be on the state board of Nursing Home Administrators was in conflict with federal regulations. Mr. Gudgel countered that the federal ruling was in the process of being changed. Questions followed. Witnesses were excused.

The following action was taken:

(cont.)

February 8, 1973

and cannot extend beyond the eighteenth birthday. No opponents; Questions followed.

HOUSE Bill #412 -- SPONSOR: Rep. Marbut explained that this bill gets it all together. An Elizabeth Rector will study the bills related to this one, together with HB 412, during the interim, therefore Rep. Marbut felt that this bill should be held over until the next session. Rep. Olson then Moved to HOLD OVER HB 412. Motion carried unanimously. Rep. Holmes then moved that the committee go on record as expressing appreciation and high commendation to Rep. Marbut for the excellent and extensive work he has done on the package of bills he has presented to this legislature relating to the developmentally disabled. Motion carried unanimously. Rep. Marbut abstained from voting!

The following action was taken:

HB #169: Rep. Turner moved that it DO PASS. As a substitute motion, Rep. Bennetts moved that action on it be deferred until next year. Substitute motion failed; those in favor of the bill being held over -- Reps. Marbut, Driscoll, Bennetts and Holmes. Reps. Lee and Hall abstained. The original motion was then called and carried, with Reps. Marbut and Bennetts opposing.

HB #200: Rep. Hall moved that it DO PASS. Discussion followed. Rep. Lee presented a letter of opposition from a Butte pathologist. Motion carried. Rep. Olson was opposed.

HB #261: Rep. Marbut moved that AS AMENDED HB 261 DO PASS. Motion carried unanimously by those present.

HB #262: Rep. Marbut moved that AS AMENDED HB 262 DO PASS. Motion carried unanimously by those present.

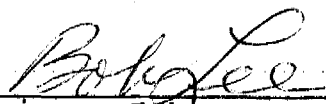
HB #263: Rep. Marbut moved that AS AMENDED HB 263 DO PASS. Motion carried unanimously by those present.

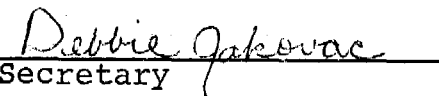
HJR #28: Rep. Turner moved that it DO NOT PASS. Motion carried unanimously by those present.

HB #543: Rep. Hall moved that it DO PASS. Motion carried unanimously by those present.

HB #360: Rep. Hall moved that AS SO AMENDED HB 360 DO PASS. Motion carried unanimously by those present.

Meeting was adjourned.


Chairman Bob Lee


Secretary

Section 2. The liability insurance shall pay all sums for which the insured officers shall become legally liable to pay as damages because of:

(1) bodily injury, sickness or disease sustained by any person accidentally caused by any act of the insured officer in making or attempting to make an arrest while acting within the scope of his duties as a law enforcement officer including damages for death, and for care and loss of services resulting from same;

(2) false arrest, erroneous service of civil papers, false imprisonment, malicious prosecution, libel, slander, defamation of character, violation of property rights and other personal civil rights; (3) such other protection as the county commissioners may deem advisable and necessary.

Section 3. Such insurance shall be purchased from the county general fund.

Approved: March 27, 1973.

CHAPTER NO. 483

An Act to Amend Sections 66-3101, 66-3102, 66-3103, 66-3104, 66-3105, 66-3109, 66-3110 and 66-3112, R.C.M. 1947, Providing For Nursing Homes and Administrators; Defining Long-Term Care Facilities to Include Skilled Nursing Facilities and Intermediate Care Facilities -A, and Defining the Term Inactive Nursing Home Administrator; Changing the Composition of and Clarifying Who May Be Appointed to the Board; Providing For Qualification and Registration of Licensees; Providing For Inactive Nursing Home Administrators to Pay an Annual Fee of not More Than Twenty-five Dollars (\$25); Requiring Nursing Home Administrators and Inactive Nursing Home Administrators to Complete a Continuing Education Course Prior to Renewal of Registration or License; Providing for a Penalty of up to Five Hundred Dollars (\$500) Fine or Imprisonment up to Six (6) Months or Both; and Repealing Section 66-3113, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 66-3101, R.C.M. 1947, is amended to read as follows:

"66-3101. **Definitions.** For the purposes of this act, and as used herein:

(a) The term "board" means the board of nursing home administrators hereinafter created.

(b) The term "nursing home administrator" means a person who administers, manages, supervises, or is in general administrative charge of a *long-term* care facility, whether such individual has an ownership interest in such facility, and whether his functions and duties are shared with one or more individuals.

(c) The term "*long-term care facility*" means any *skilled nursing* facility, nursing home or *intermediate care facility* -A as defined for licensing purpose under state law or pursuant to the rules and regulations for *long-term care facilities* by the department of health and environmental sciences, whether proprietary or nonprofit, including but not limited to, *such facilities* owned or administered by the state government or an agency or political subdivision thereof.

(d) The term "*inactive nursing home administrator*" means an individual who has been licensed in this state as a nursing home administrator, and whose license has not been revoked or suspended but who is not actively engaged in nursing home administration."

Section 2. Section 66-3102, R.C.M. 1947, is amended to read as follows:

"66-3102. **Composition of the board.** There is hereby created the board of nursing home administrators which shall consist of five (5) *voting* members. *No more than two (2) of these members shall be nursing home administrators. The other three (3) members shall be representative of professions or institutions concerned with the care of chronically ill and infirm aged patients, but no two (2) of the latter shall be from the same profession and none may have a financial interest in any nursing home.* The director of the department of health and environmental sciences, or his designee, and the director of the department of social and rehabilitation services, or his designee, shall serve ex officio without the power to vote as members of such board. One (1) member shall be appointed for a term of three (3) years, two (2) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for a term of one (1) year; thereafter, the terms of all appointive members shall be three (3) years. The appointees shall be selected from a list of three (3) nominees submitted for each appointee, to the governor by the board of directors of the Montana nursing home association, inc.

Any vacancy occurring in the position of an appointive member shall be filled by the governor for the unexpired term, from a list of three (3) names submitted to the governor by the board of directors of the Montana nursing home association, inc. Appointive members may be removed by the governor for cause after due notice and hearing. No person shall be eligible for appointment

as a *nursing home administrator* member unless he is the holder of a license as a nursing home administrator."

Section 3. Section 66-3103, R.C.M. 1947, is amended to read as follows:

"66-3103. **Qualifications for licensure.** The board shall have authority to *register and* issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators. No *registration or* license shall be issued to a person as a nursing home administrator unless:

(a) He is of good character, of sound physical and mental health, *has received a high school diploma or its equivalent; and*

(b) Has satisfactorily completed a course of instruction and training prescribed by the board, which course shall be so designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by *long-term care facilities*; laws governing the operation of *long-term care facilities* and the protection of the interests of patients therein; and the elements of good nursing home administration; or have presented evidence satisfactory to the board of sufficient education, training or experience in the foregoing fields to administer, supervise and manage a *long-term care facility*; and

(c) Has passed an examination administered by the board designed to test for competence in the subject matters referred to in subsection (b) hereof;

Provided, however, that *the* minimum standards for qualification shall comply with the requirements, if any, set forth in Title XIX of the Social Security Act, as amended, 1967 (P.L. 90-248)."

Section 4. Section 66-3104, R.C.M. 1947, is amended to read as follows:

"66-3104. **Registration and licensing function.** (a) The board shall *register and* license nursing home administrators in accordance with rules and regulations issued, and from time to time revised by it. A nursing home administrator's *registration and* license shall not be transferable and shall be valid until surrendered for cancellation or suspended or revoked for violation of this act or any other laws or regulations relating to the proper administration and management of a *long-term care facility*. Denial of issuance or renewal, suspension or revocation under any section of this act shall be subject to review by the board upon the timely written request for review within thirty (30) days.

(b) If the board determines that preliminary qualifications set forth in 66-3103 (a) and (b) of this act, *will* have been met

before the next examination it may issue a temporary permit for a period of one hundred eighty (180) days or until the *scores* of the next subsequent examination *are announced*. No temporary permit shall be issued to an applicant after the date of the first examination for which he is eligible."

Section 5. Section 66-3105, R.C.M. 1947, is amended to read as follows:

"66-3105. **Fees.** (a) Each person who applies for licensure, whether by waiver, examination or reciprocity, shall be required to pay a fee of twenty-five dollars (\$25) at the time of such application.

(b) Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount to be fixed by the board, not to exceed one hundred dollars (\$100). A license shall expire on December 31, in the year for which it is issued, and shall be renewable annually upon timely payment of the license fee.

(c) *Each person registered as an inactive nursing home administrator shall be required to pay a registration fee in the amount of not more than twenty-five dollars (\$25). An inactive registration shall expire on December 31, in the year for which it is issued, and shall be renewable annually upon timely payment of the inactive registration fee.*

(d) *The fee for issuing a duplicate license shall be ten dollars (\$10)."*

Section 6. Section 66-3109, R.C.M. 1947, is amended to read as follows:

"66-3109. **Duties of the board.** The board shall have the duty and responsibility to:

(a) Develop, impose and enforce standards which must be met by individuals in order to *register and* receive a license as a nursing home administrator, which standards shall be designed to ensure that nursing home administrators shall be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators.

(b) Develop and apply appropriate techniques, including examination and investigations, for determining whether individuals meet such standards.

(c) *Register and issue* licenses to individuals, after application of such techniques, determined to meet such standards, and

for cause, after due notice and hearing, to revoke or suspend licenses previously issued by the board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards. Provided, however, the board may, in its discretion, defer execution of its order of revocation or suspension for the purpose of permitting continuity of care for patients when the need for such continuity of care outweighs any harm or danger which might result from the failure of such nursing home administrator to be *registered and licensed* thereby resulting in the necessary closure of a *long-term care facility*.

(d) Establish and implement procedures designed to ensure that individuals *registered and licensed* as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.

(e) Upon receipt of a written and signed complaint, an investigation of the matter contained in the complaint shall be initiated. At its next meeting, the complaint shall be presented to the board together with the report of investigation and recommendations and on the basis thereof, the board shall determine whether to bring charges and provide for a hearing.

(f) Conduct a continuing study and investigation of nursing home administrators within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to *nursing home administrators*.

(g) Conduct, or cause to be conducted, one or more courses of instruction and training sufficient to meet the requirements of this act, and make provisions for the conduct of such courses and their accessibility to residents of this state, unless it finds that there are sufficient number of courses conducted by others within this state to meet the needs of the state. In lieu thereof the board may approve courses conducted within and without this state as sufficient to meet the education and training requirements of this act.

(h) *Prescribe or approve continuing education courses.*"

Section 7. Section 66-3110, R.C.M. 1947, is amended to read as follows:

"66-3110. **Renewal of registration and license.** Every holder of a nursing home administrator's *registration and license* shall renew it annually by payment of the required fee for the next subsequent year, prior to the expiration of his currently valid *registration and license* on December 31. Renewals of *registrations or*

licenses shall be granted as a matter of course, *providing the holder has completed a continuing education course prescribed or approved by the board, however, if the board finds after due notice and hearing, that the applicant has acted or failed to act in such a manner, or under circumstances, as would constitute grounds for suspension or revocation of a registration and license, it shall not issue the renewal.*"

Section 8. Section 66-3112, R.C.M. 1947, is amended to read as follows:

"66-3112. **Misdemeanor.** It shall be unlawful for any person to act or serve in the capacity of a nursing home administrator unless he is the holder of a *registration and license* as a nursing home administrator, issued in accordance with the provisions of this act. *A person who violates the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.*"

Section 9. Section 66-3113, R.C.M. 1947, is repealed.

Approved: March 27, 1973.

CHAPTER NO. 484

An Act Repealing Section 84-1501.8, R.C.M. 1947, to Eliminate the Six and One-quarter Per Cent (6 $\frac{1}{4}$ %) Corporation License Tax Rate for Taxable Years Ending After February 28, 1973; and Amending Section 84-1501, R.C.M. 1947, to Make Retroactive and Permanent the Six and Three-quarters Per Cent (6 $\frac{3}{4}$ %) Corporation License Tax Rate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 84-1501, R.C.M. 1947, is amended to read as follows:

"84-1501. **Corporation license tax — organizations exempt therefrom.** The term corporation includes associations, joint-stock companies, common law trusts and business trusts which do business in an organized capacity whether created under and pursuant to the state laws, agreements, declarations of trust. Every corporation, except as hereinafter provided and except as provided in section 40-2821(5), R.C.M. 1947, organized and existing under the laws of the state of Montana and engaged in business therein, shall annually pay to the state treasurer, as a license